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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RICHARD BANDA,

Plaintiff,

v.

NAPHCARE, INC. a corporation; LAS  
VEGAS METROPOLITAN POLICE  
DEPARTMENT, a political entity;  
KRYSTAL CAREY, an individual; ERIC  
LOPEZ, an individual; HORACE TADEO, an  
individual; ANN BOHL, an individual;  
HARRY DURAN, an individual; ANTHONY  
HAYES, an individual; SCOTT COLE, an  
individual; DEBRA VANDERWAAG, an  
individual; SAVANNAH KEAWE, an  
individual; and JOHN/JANE DOES 1-5.

Defendants.

Case No.: 2:19-CV-00095-RFB-DJA

**AMENDED STIPULATED DISCOVERY  
PLAN AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

Plaintiff Richard Banda (“Plaintiff”), Defendant NaphCare, Inc. (“NaphCare”), and Defendant Las Vegas Metropolitan Police Department (“LVMPD”) submit this Stipulated Discovery Plan and Scheduling Order pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(b). The parties participated in a Fed. R. Civ. P. 26(f) conference on October 20, 2022, with Jane Susskind participating on behalf of Plaintiff and Ethan Featherstone participating on behalf of NaphCare. The Parties jointly request that the Court: (1) approve this plan and (2) implement the plan as an amended scheduling order.

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1 Special scheduling review is requested as due to the stay of discovery entered in this  
2 matter, the discovery period would run longer than 180 days from the date that the first  
3 defendant appeared. Additional time for discovery is warranted due to this stay and due to the  
4 recent filing of Plaintiff's amended pleading.

5 **I. INFORMATION PURSUANT TO FED. R. CIV. P. 26(f)**

6 **1. Rule 26(a) Disclosures:** NaphCare served its initial disclosures on November 3,  
7 2022. Plaintiff served his initial disclosures on November 10, 2022. Defendant Las Vegas  
8 Metropolitan Police Department was served on September 7, 2023 [ECF No. 68] and moved to  
9 dismiss on October 9, 2023 [ECF No. 76], which remains pending. Plaintiff is in the process of  
10 serving Defendants Krystal Carey, Eric Lopez, Horace Tadeo, Ann Bohl, Scott Blondeaux,  
11 Harry Duran, Anthony Hayes, Scott Cole, Debra Vanderwaag, and Savannah Keawe.

12 **2. Subjects on which discovery may be needed:** The parties are in agreement that  
13 discovery will be needed on the Plaintiff's claims and NaphCare's denials and affirmative  
14 defenses. Discovery does not need to be conducted in phases or limited or focused on particular  
15 issues.

16 **3. Issues regarding disclosure or discovery of electronically stored information,**  
17 **including the form or forms in which it is produced:** The parties have undertaken efforts to  
18 retain any electronically stored information relevant to this matter and have agreed that, unless  
19 the requesting party asks for a definite and specific form, the party producing any electronically  
20 stored information need not provide such information in any certain form as long as the form  
21 provides the other party reasonable access to the information.

22 **4. Issues about claims of privilege or protection of trial preparation materials:**  
23 The parties prefer to handle these issues on an ad hoc basis as no consensus can be reached in  
24 advance.

25 **5. Changes to be made in the limitations on discovery:** None.

26 **6. Other orders under Rule 26(c) or Rule 16(b) and (c):** The Court entered a  
27 Stipulated Confidentiality and Protective Order on February 22, 2023 [ECF No. 56]. No other  
28 orders are requested at this time.

## II. INFORMATION PURSUANT TO LOCAL RULE 26-1(b)

A. NaphCare's first appearance in this matter was with its Motion to Dismiss, filed on September 23, 2022 [ECF No. 42]. On December 22, 2022, the Court entered a Stipulation and Order extending the deadline to amend pleadings or add parties and staying the remaining discovery deadlines until the Court ruled on NaphCare's Motion to Dismiss [ECF No. 55]. The Court denied NaphCare's Motion to Dismiss and granted Plaintiff's Motion to Amend on August 28, 2023 [ECF No. 67]. Because the nine-month stay is now lifted, and additional parties and claims have been added, the parties submit that good cause exists for the Court to adopt the following amended discovery plan and scheduling order deadlines pursuant to Fed. R. Civ. P. 16(b)(4):

- i. **Discovery Cut-Off: Monday, November 23, 2024**
- ii. **Amend Pleadings or Add Parties: Friday, August 28, 2024**
- iii. **Expert Disclosures: Friday, September 27, 2024**
- iv. **Rebuttal Expert Disclosures: Monday, October 28, 2024**
- v. **Dispositive Motions: Friday, December 27, 2024**
- vi. **Pretrial Orders: Monday, January 27, 2025**
- vii. **Pretrial Disclosures:** The disclosures required by Rule 26(a)(3) and any objection thereto shall be included in the Pretrial Order.

B. **Alternative Dispute Resolution:** Pursuant to LR 26-1(b)(7), the parties certify they have met and conferred about the possibility of using alternative dispute-resolution processes including mediation or arbitration. The parties have not agreed to use these processes at the current time but remain open to considering them after further progress in discovery.

C. **Alternative Forms of Case Disposition:** Pursuant to LR 26-1(b)(8), the parties certify that they discussed and considered consenting to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The parties do not consent to these options at this time.

D. **Electronic Evidence:** The parties intend to meet and confer regarding electronic evidence should any disputes arise.

E. **Extensions or Modifications of the Discovery Plan and Scheduling Order Pursuant to 26-4:** A motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for the extension. A motion or stipulation to extend a deadline set forth in a discovery plan must be received by the court no later than 21 days before the expiration of the subject deadline. A request made within 21 days of the subject deadline must be supported by a showing of good cause. A request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect.

A motion or stipulation to extend a discovery deadline or to reopen discovery must include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and

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(d) A proposed schedule for completing all remaining discovery.

DATED: November 7, 2023

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DATED: November 7, 2023

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*Attorneys for Defendant Naphcare Inc.*

Because the Court finds additional time is necessary, IT IS HEREBY ORDERED that the above stipulated discovery plan is **GRANTED in part**, subject to the modifications of the Court indicated above in red.

DATED: April 16, 2024.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE